

agreed-to by the parties, as described on the attached Exhibit A.

The parties further agree and stipulate as follows: The Class which numbers 83 is so numerous as to render joinder impracticable and thus meets the numerosity requirement of Rule 23(a)(1). The common questions of law and fact applicable to each Class member overwhelmingly predominate, as the only individual question involves the wages and benefits and offsets, if any, of each Class member, which will determine the damages of each Class Member. Rule 23(a)(2). The claims of the Plaintiffs are typical of the claims of each of the other Class members. Rule 23(a)(3). The Plaintiffs have engaged experienced counsel and will vigorously prosecute the action and thus, will fairly and adequately protect the interests of the Class. Rule 23(a)(4).

The parties further agree and stipulate that if the Court should rule, by way of declaratory judgment, that Defendant's layoff on September 16, 2003 constituted a WARN event, the Class shall convert to a Class certified under Federal Rule of Civil Procedure 23(b)(3) for purposes of providing notice to Class members and assessing monetary relief.

II. APPOINTMENT OF CLASS REPRESENTATIVES AND CLASS COUNSEL

The parties further agree and stipulate that the Plaintiffs are appointed Class representatives and that the undersigned attorneys for the Plaintiffs are appointed Class Counsel. The Lankenau & Miller firm represents that it has specialized in handling litigation under the WARN Act for the past eight years, has been appointed Class Counsel in over 20 WARN actions and has never been denied appointment.

III. DISPOSITIVE ISSUE FOR THE COURT: SINGLE SITE OF EMPLOYMENT

The parties agree and stipulate that if the Fisher and Hammond Buildings are deemed a single site of employment under the WARN Act, the layoff did not constitute a "mass layoff" and no qualifying event occurred under the WARN Act.

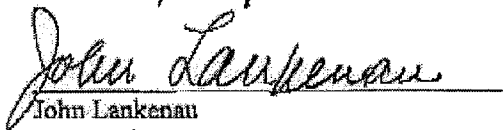
The parties further agree and stipulate that if, however, the Fisher and Hammond Buildings are not deemed a single site of employment under the WARN Act, the layoff of employees at the Fisher Building, a single site of employment, constituted a "mass layoff" and a qualifying event occurred under the WARN Act.

Accordingly, the narrow issue for this Court to determine initially is whether the Fisher and Hammond Buildings are a single site of employment or two separate sites of employment under the WARN Act. If the Fisher and Hammond Buildings are a single site of employment, the Class is not entitled to relief as Defendant's layoff would not constitute a WARN event. If, however, the Fisher and Hammond Buildings are not a single site of employment, the Class is entitled to relief because Defendant's layoff at the Fisher Building constituted a WARN event


IV. DEADLINE EXTENSION

The parties agree and stipulate that additional discovery is required concerning whether the Fisher and Hammond Buildings are a single site of employment for purposes of the WARN Act. Accordingly, the parties agree and stipulate, subject to approval by the Court, that the deadline for the close of discovery shall be extended from the current deadline of May 2, 2005 until July 1, 2005, and the deadline for dispositive motions to be filed shall be extended from the current deadline of June 1, 2005 until August 15, 2005. The parties further agree and stipulate, and respectfully request the Court's approval, that the Court's June 1, 2005 deadline for Plaintiffs to move for class certification is mooted by the above stipulation in Section I.

Date: 4/25/05


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Date: 4/28/05


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of
this document was served upon counsel of record
for each party to the action in compliance with
FRCP 5 on 4/28/05 by:

☒ Electronically via ECF for ECF registrants
☒ U.S. Mail to

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J. Kohen
J. Lankenau
R. Roupinian

K. Frieden

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

**MARY ANNA JOHNSON and RHEANON R.
LEVERINGTON, on behalf of themselves and
behalf of the Other Similarly Situated Former
Employees of Defendant,**

Plaintiffs,

v.

GMAC MORTGAGE CORPORATION,

Defendant.

Civil Action No. 04-2004-LRR

EXHIBIT A

**Class of 83 part-time and full-time employees
laid off on September 16, 2003 for more than six months**

	Employee	Employee number
1.	T. Adams	240031
2.	N. Akkad	911196
3.	S. Albert	910654
4.	C. Albrecht	700829
5.	C. Ambrose	300339
6.	D. Bennett	700500
7.	S. Borcharding	700466
8.	R. Brandhorst	911455
9.	L. Briden	911812
10.	T. Cagley	701785
11.	S. Cashman	701707
12.	G. Christianson	911794
13.	P. Clinton	909916
14.	J. Cole	700910

15.	M. Cole	700814
16.	M. Cole	910904
17.	C. Cook	240029
18.	K. Cooper	910494
19.	S. Delfs	701835
20.	N. Denny	910492
21.	K. Derifield	911194
22.	D. Detweiler	701881
23.	J. Dixon	910795
24.	J. Dodd	911190
25.	B. Everman	700474
26.	R. Foss	701115
27.	B. Frisbie	701351
28.	T. George	701753
29.	S. Goodell	701462
30.	J. Gordon	700975
31.	S. Greenleaf	701693
32.	S. Hanna	701667
33.	H. Hansen	910343
34.	J. Happel	910451
35.	L. Harsen	300152
36.	R. Hilton	910844
37.	S. Horan	701181
38.	N. Huert	910240
39.	J. Jakubowsky	910622
40.	B. Jensen	701351
41.	K. Jensen	701943
42.	M. Johnson	700545
43.	R. Johnson	700478
44.	K. Jurries	700886
45.	T. Kappmeyer	911197
46.	T. Kaye	700825
47.	D. Kirchhoff	701328
48.	P. Kuehl	910456
49.	R. Leverington	911692

50.	A. Leaven	3000049
51.	M. Matejka	701862
52.	L. McCarty	911033
53.	J. McCulloch	701804
54.	C. Mendenhall	300151
55.	B. Miller	240009
56.	M. Moore	911411
57.	J. Obermeier	700321
58.	K. Parkins	701860
59.	M. Patterson	910544
60.	K. Pullin	911412
61.	J. Ransom	300077
62.	R. Rivoire	700490
63.	M. Robinson	911413
64.	K. Schmidt	700634
65.	P. Schneider	911191
66.	L. Schwickerath	700844
67.	S. Seery	911118
68.	L. Sheehan	910228
69.	S. Shimp	700058
70.	T. Sivola	911198
71.	F. Smith	300213
72.	M. Smith	300195
73.	S. Sorensen	910458
74.	C. Sorge	700749
75.	B. Steere	911199
76.	R. Sweeney	701601
77.	C. Taylor	911200
78.	A. Teare	911460
79.	B. Timmerman	701383
80.	M. Warren	901364
81.	J. Wauters	700601
82.	K. White	701752
83.	D. Wilson	701149